

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

237B0510

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1226** - 1/29/98

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Koskan, Crisp, Duenwald, Duxbury, Napoli, Schaunaman, and Windhorst and Senators Vitter, Benson, Dennert, Drake, and Halverson

1 FOR AN ACT ENTITLED, An Act to provide a procedure for the petitioning for change of
2 certain agency policies.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-26-13 be amended to read as follows:

5 1-26-13. An interested person may petition an agency requesting the promulgation,
6 amendment, or repeal of a rule or a policy. The petition shall contain the text or substance of any
7 new rule or policy or amendment sought, the identification of any rule or policy sought to be
8 repealed, reasons for the proposal, and the name and address of the petitioner. Within thirty days
9 after submission of a petition, the agency either shall deny the petition in writing (stating its
10 reasons for the denials) or shall initiate rule-making proceedings in accordance with § 1-26-4.
11 The agency shall serve a copy of any petitions and denials on the members of the Interim Rules
12 Review Committee and the director of the Legislative Research Council.

13 Section 2. That § 1-26-14 be amended to read as follows:

14 1-26-14. The validity or applicability of a rule or a policy may be determined in an action for

1 declaratory judgment in the circuit court for the county of the plaintiff's residence, if it is alleged
2 that the rule or policy, or its threatened application, interferes with or impairs, or threatens to
3 interfere with or impair, the legal rights or privileges of the plaintiff. The agency shall be made
4 a party to the action. A declaratory judgment may be rendered whether or not the plaintiff has
5 requested the agency to pass upon the validity or applicability of the rule or policy in question.

1 **BILL HISTORY**

2 1/21/98 First read in House and referred to State Affairs. H.J. 155

3 1/26/98 Scheduled for Committee hearing on this date.

4 1/28/98 Scheduled for Committee hearing on this date.

5 1/28/98 State Affairs Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 272